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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/494,199

01/28/2000

Ramin Rezaifar

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11/03/2005

QUALCOMM, INC
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

PHILPOTT, JUSTIN M

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/494,199

Applicant(s)

REZAIIFAR ET AL.

Examiner

Justin M. Philpott

Art Unit

2665

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

**ALPUS H. HSU
PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments are not persuasive.

Specifically, applicant argues that Haas cannot teach communications include a number of dormant network connections associated with a mobile station. However, as discussed in the previous office action, and repeated herein, Haas teaches transmitting a message (e.g., list of active mobiles associated with the cell, or second infrastructure element, see col. 3, lines 50-64) including a number of network connections (e.g., connections of the active mobiles in the second infrastructure element) associated with a mobile station (e.g., mobile 14) and a reduced list of identifiers (e.g., ID numbers) and enhanced information (e.g., addresses of destinations and channel numbers, see col. 3, lines 58-64) associated with the connections, wherein the active connections within the second infrastructure element (i.e., the cell from which the message is transmitted) are viewed as non-active or dormant connections by the first infrastructure element (i.e., the cell which receives the message) (e.g., see col. 3, line 50 - col. 4, line 18), and wherein the dormant connections are connections that are not being used to transmit traffic channel data (e.g., the dormant connections established inherently do not transmit traffic channel data since such data is transmitted on the active connections, see col. 4, lines 5-18). Thus, applicant's argument is not persuasive.

Further, with respect to applicant's argument that Haas teaches a list of non-active, or dormant mobiles, but not transmitting a list of dormant network connections, it is noted that Haas specifically teaches transmitting "the address of the destination of the connections" (col. 3, lines 61-62) which inherently comprises applicant's broad claim limitation of "connections". Still further, Haas teaches such received information equates to the "dormant connection[s]" (col. 4, line 8). Additionally, the transmission of information identifying the connections inherently comprises transmitting the "number" of connections. Thus, applicant's argument is not persuasive.

Finally, with respect to applicant's argument regarding the rejection of claims under 35 U.S.C. 103(a), while Haas disclose the message is maintained within, and transmitted from, a base station and not a mobile station, it is generally considered to be within the ordinary skill in the art to shift the location of parts absent a showing of unexpected results. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to shift the location of database listings from the base station to mobile stations since it is generally considered to be within the ordinary skill in the art to shift the location of parts absent a showing of unexpected results. The contention of obvious choice in design can be overcome if Applicant establishes unexpected results. In re Japikse, 86 USPQ 70 (CCPA 1950). Applicant's argument that "minimizing the unnecessary transmission of data is a basis alone for overcoming the 'unexpected results' burden" is not persuasive since such a result is obvious and well known in the art. That is, maintaining messages within a device is well known in the art to result in reduced transmissions. Applicant has not established that shifting the location of parts in Haas would result in unexpected results. Accordingly, applicant's argument is not persuasive.